

Under current law, polluters do not have a right to dump messes into public resources; if they do, they pay a fine. In my district, for example, paying for the Sand Creek greenway was part of Conoco's penalty for discharging toxics into Sand Creek. Under H.R. 961, the outcome might be different. The cost benefit provisions in H.R. 961 essentially make polluting a legally acceptable use of water.

Currently, the level of toxic contamination in a river or lake that is considered acceptable is based on human health and ecological standards. The Shuster bill will change that standard. It incorporates the polluter's needs into the formula.

Wetlands would change too. For the most part they would disappear. Wetlands filter more than 90 percent of the pesticides, sediment, and nitrogen that would otherwise pollute our bodies of water. Wetlands are also vital to over 75 percent of our fish and shellfish. H.R. 961 eliminates wetlands protection by narrowly defining a wetland and allowing a claim as a "taking" for the protection of those wetlands that fit the definition.

The original goal of the Clean Water Act was to make the Nation's waters swimmable, fishable, and drinkable. While we have not cleaned up everything, the Clean Water Act has brought us a long way on the road to that goal. The Shuster bill not only abandons that goal, but if enacted, will threaten our gains. Vote "no" on H.R. 961.

STEWART SCHOOL,  
Oxford, OH, April 7, 1995.

SAVE OUR SEAS,  
Washington, DC.

DEAR SIR OR MADAM: We are learning about oceans in school, and we don't like the pollution. Not only fish are dying, but birds, seagulls, and many more animals. I love animals and I hate pollution. Oil spills should be stopped. Well, I and 24 other friends of mine hate it.

Sincerely,

FAITH MANKA.

□ 1245

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, I appreciate the opportunity to speak on the rule which I support and then to assert that my support for the bill itself is based on several propositions.

No. 1, I am impressed by the fact that this is a bipartisan piece of legislation that has reached the floor. One can only read the results of the subcommittee vote and the full committee vote to assert for themselves that this is indeed a bipartisan crafted piece of legislation. That in itself answers the request of the American people that we approach this and many other problems in our country on that bipartisan basis for which they have been yearning for so many years. Here is an excellent opportunity to put into play our search for bipartisan solutions to the Nation's problems.

No. 2, if that were not enough, it also is bipartisan in this particular unique tenant about which I am concerned. The Chesapeake Bay has for a long time been a strong concern of the environmental community of our Nation, and not only nationwide are the environmentalists interested in the preservation, and the clean up and the stabilization of Chesapeake Bay, but naturally the regional interests, Pennsylvania, Delaware, Maryland, et cetera, are also interested in the preservation of the Chesapeake Bay as we once knew it. In that regard this bill calls for adoption, as a matter of fact, of increase in, the President's recommendation for reauthorization of that portion that has to do with funding the Chesapeake Bay, another facet of the bipartisan approach that we can adopt by supporting the committee's version of this vital piece of legislation.

Mr. BEILENSEN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE asked and was given permission to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I rise in support of the open rule but against the bill. I think it is very important that we do have an open rule without time limits on this legislation because it is so controversial, and I do believe that the bill makes fundamental changes to the Clean Water Act that are not in the national interest.

I was very pleased to hear my colleague, the gentleman from New Jersey [Mr. SAXTON], speak before because he pointed out and reminded me about the fact that when we were first elected to the Congress, back in the mid or late 1980's, that a big part of our election was because we swore that we would come down here and try to stop ocean dumping and improve ocean water quality. The fact of the matter is that since those New Jersey beach closings in 1987 and 1988 the ocean water quality and the quality of our rivers and harbors have increased dramatically in the State of the New Jersey and throughout the country. People tell us every day, and in particular looking forward to the beach season this summer, they talk about how improved the water quality is and how many people want to come down to the shore and swim and enjoy our beaches and our water.

We cannot turn the clock back, and my fear is that this is what this legislation does. It in effect turns the clock back and makes it very possible that, if it were to pass 5, 10, 20 years from now, our water quality would significantly decrease.

I would want to mention a few things, and some of them were mentioned by my colleague, the gentleman from New Jersey [Mr. SAXTON], specifically about what the bill does and how it is dangerous.

With regard to coastal run off, contaminated run off is the number one contributor to water pollution. The committee bill would end an existing

program mandating States to draw up enforceable run-off control plans in coastal zones, replacing with a voluntary approach similar to an existing program in inland areas. Environmentalists and the EPA have said that our efforts should be directed toward making run-off programs enforceable, not voluntary.

With regard to storm water, the bill would repeal an existing formal permitting process governing city and industrial storm water releases into service water, replacing it with a system emphasizing voluntary measures of compliance, again voluntary rather than mandatory.

With regard to wetlands, by changing definitions, the proposed legislation would remove as much as half of the Nation's wetlands from protection. The EPA would also be stripped of its veto power of decisions by the Army Corps of Engineers to grant wetlands development permits.

My colleague, the gentleman from New Jersey [Mr. SAXTON], mentioned a substitute, and we also from New Jersey have several amendments that would try to improve and eliminate some of these more egregious measures that are in the bill. I urge my colleagues on the Democrat side to support the Saxton-Boehlert substitute. This substitute would eliminate some of the worst problems that exist in this bill.

I was hopeful, however, that this would be the opportunity, during the authorization of the Clean Water Act, to actually improve the existing Clean Water Act, and so I have proposed, pursuant to this open rule again, certain amendments that would actually improve the existing law. I am not sure, and I think perhaps in this atmosphere it is unlikely that some of these will pass, but it is important to put them forward.

One of them is the Clean Water Enforcement Act. We have noticed that with the existing Clean Water Act there has not been sufficient enforcement. In many cases it pays to pollute because the fines that are imposed for pollution or violating one's discharge permit are too small. The Clean Water Enforcement Act would go after the bad actors, the repeat violators of their discharge permits, require mandatory penalties and increasing penalties so that it does not pay to pollute.

Another amendment that I will be proposing today under the open rule is something that my colleague, the gentleman from New Jersey [Mr. HUGHES], has repeatedly introduced and had passed in this House several times in previous sessions of Congress that would basically require a national program for beach water quality testing. In New Jersey we have a very good program that requires the testing of water quality before we decide whether beaches are open to bathers. I would like to see that included in the Clean Water Act, and again that would be a strengthening amendment.

I would urge my colleagues today to, please, support the substitute. Please support some of the amendments being put forth by those of us who would like to see the Clean Water Act improved.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER] talked about the Academy of Sciences and good science. We agree. First of all, San Diego has had a problem with effluent sewage. The sewage treatment is actually treated, and then we want to put it 4 miles out to sea, but the EPA, which a rule was written for the Clean Water Act, was written, "If you dump that sewage into a river or a lake." The Academy of Sciences and Scripps Oceanographic said it actually enhances the ocean, but yet the EPA is unwilling to bend, and what we are trying to do is, when we talk about risk assessment and fairness, is to look because what it would do is cost the city of San Diego between \$8 to \$12 billion. That is \$12 billion we do not have for law enforcement, or housing, or education and those kinds of things, but yet science says that we do not have to double-treat the sewage. It is treated in the first place, but we do not have to do secondary sewage. That is reasonable.

When we take a look at it, when we need to move ahead, a company near my district named Micogen has a chemical. It is not actually a chemical, but it is an insecticide type that is created out of DNA, and, when they use that, the actual farmers would grow their material or spray it over their crops, and it is not a toxic pesticide that run off into our lakes, and rivers and oceans. That is what we need to support as far as good science. But yet the administration has put a burden on our biotech industry in California. Those are the things we need to move ahead with.

The EPA, Endangered Species, Clean Water, Clean Air were all written with good intentions, but there are special interests on both sides of this area, those that do want to pollute and those that want to use it as a weapon for no growth at all. What the legislation that the Republican Party is coming up with is a commonsense application and suits neither one. Take a look at the issues that burden us every day. Look at the EPA and Endangered Species. I think we can work on a more bipartisan area.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I support the rule.

The new majority has a case of special interest amnesia.

The special interests and polluters claim they are overregulated.

So the new majority is forgetting the days when our rivers burned, when fish and wildlife floated dead in our lakes

and streams, and when our drinking water was in imminent danger of contamination.

The Clean Water Act remedied that situation.

Now, the new majority wants to gut the Clean Water Act.

The New York City water supply needs no additional purification, thanks to safeguards in the Clean Water Act and the Safe Drinking Water.

Weakened standards on pollution runoff under this bill will severely jeopardize the city's drinking water and our rivers and lakes.

So will loosened restrictions on sewage treatment plants that operate in watershed areas.

When is the new majority going to realize that some government regulations actually do some good?

This time, they are not just throwing the baby out with the bathwater.

They are throwing out the drinking water, too.

I implore my colleagues to think about what we drink and to reject this Dirty Water Act.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the adoption of the rule. I urge the passage of the bill. Amendments to the Clean Water Act are long overdue. I urge the Members of this body to adopt the rule, and pass the bill, and go forward with this legislation which is so badly needed.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I would like to point out that the substitute, the alternative that will be advanced by my colleagues, the gentleman from New Jersey [Mr. SAXTON], the gentleman from Indiana [Mr. ROEMER], and I, 70 percent of our alternative is identical to the committee bill. So there is much to be said for a number of provisions in the committee bill that address some problems that concern us all. We are focusing narrowly on those areas that need the most attention to preserve, and protect and enhance our Nation's waterways.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WICKER). The question is the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BORSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 4, not voting 16, as follows:

[Roll No. 311]

YEAS—414

Abercrombie	Diaz-Balart	Hunter
Ackerman	Dickey	Hutchinson
Allard	Dicks	Hyde
Andrews	Dixon	Inglis
Archer	Doggett	Istook
Armey	Dooley	Jackson-Lee
Bachus	Doolittle	Jacobs
Baesler	Dornan	Johnson (CT)
Baker (CA)	Doyle	Johnson (SD)
Baker (LA)	Dreier	Johnson, E. B.
Baldacci	Duncan	Johnson, Sam
Ballenger	Dunn	Johnston
Barcia	Durbin	Jones
Barr	Edwards	Kanjorski
Barrett (NE)	Ehlers	Kaptur
Barrett (WI)	Ehrlich	Kasich
Bartlett	Emerson	Kelly
Barton	Engel	Kennedy (MA)
Bass	English	Kennedy (RI)
Bateman	Ensign	Kennelly
Becerra	Eshoo	Kildee
Beilenson	Evans	Kim
Bentsen	Everett	King
Bereuter	Ewing	Kingston
Berman	Farr	Klecza
Bevill	Fattah	Klink
Bilbray	Fawell	Klug
Bilirakis	Fazio	Knollenberg
Bishop	Fields (LA)	Kolbe
Blute	Fields (TX)	LaFalce
Boehlert	Filner	LaHood
Boehner	Flake	Lantos
Bonilla	Flanagan	Largent
Bonior	Foglietta	Latham
Bono	Foley	LaTourette
Borski	Forbes	Laughlin
Boucher	Fowler	Lazio
Brewster	Fox	Leach
Browder	Frank (MA)	Levin
Brown (CA)	Franks (CT)	Lewis (CA)
Brown (FL)	Franks (NJ)	Lewis (GA)
Brown (OH)	Frelinghuysen	Lightfoot
Brownback	Frisa	Linder
Bryant (TN)	Frost	Lipinski
Bryant (TX)	Funderburk	Livingston
Bunn	Furse	LoBiondo
Burr	Gallegly	Lofgren
Burton	Ganske	Longley
Buyer	Gedensson	Lowey
Callahan	Gekas	Lucas
Calvert	Gephardt	Luther
Camp	Geren	Maloney
Canady	Gibbons	Manton
Castle	Gilchrest	Manzullo
Chabot	Gillmor	Markey
Chambliss	Gilman	Martinez
Chapman	Gonzalez	Martini
Chenoweth	Goodlatte	Mascara
Christensen	Goodling	Matsui
Chrysler	Gordon	McCarthy
Clay	Goss	McCollum
Clayton	Green	McCrery
Clement	Greenwood	McDade
Clinger	Gunderson	McDermott
Clyburn	Gutierrez	McHale
Coble	Gutknecht	McHugh
Coburn	Hall (OH)	McInnis
Coleman	Hall (TX)	McIntosh
Collins (GA)	Hamilton	McKeon
Collins (MI)	Hancock	McKinney
Combest	Hansen	McNulty
Condit	Harman	Meehan
Conyers	Hastert	Meek
Cooley	Hastings (FL)	Menendez
Costello	Hastings (WA)	Metcalf
Cox	Hayes	Meyers
Coyne	Hayworth	Mfume
Cramer	Hefley	Mica
Crane	Hefner	Miller (CA)
Crapo	Heineman	Miller (FL)
Cremeans	Herger	Mineta
Cubin	Hilleary	Minge
Cunningham	Hilliard	Mink
Danner	Hinchey	Molinari
Davis	Hobson	Mollohan
de la Garza	Hoekstra	Montgomery
Deal	Hoke	Moorhead
DeFazio	Holden	Moran
DeLauro	Horn	Morella
DeLay	Hostettler	Myers
Dellums	Houghton	Myrick
Deutsch	Hoyer	Nadler

Neal	Roth	Tauzin
Nethercutt	Roukema	Taylor (MS)
Neumann	Roybal-Allard	Taylor (NC)
Ney	Royce	Tejeda
Norwood	Rush	Thomas
Nussle	Sabo	Thompson
Oberstar	Salmon	Thornberry
Obey	Sanders	Thornton
Oliver	Sanford	Thurman
Ortiz	Sawyer	Tiahrt
Orton	Saxton	Torkildsen
Owens	Scarborough	Torres
Oxley	Schaefer	Torricelli
Packard	Schiff	Towns
Pallone	Schumer	Trafigant
Parker	Scott	Tucker
Pastor	Seastrand	Upton
Paxon	Sensenbrenner	Velazquez
Payne (NJ)	Serrano	Vento
Payne (VA)	Shadegg	Visclosky
Peterson (MN)	Shaw	Volkmer
Petri	Shays	Vucanovich
Pickett	Shuster	Waldholtz
Pombo	Sisisky	Walker
Pomeroy	Skaggs	Walsh
Porter	Skeen	Wamp
Portman	Skelton	Ward
Poshard	Slaughter	Waters
Pryce	Smith (MI)	Watt (NC)
Quillen	Smith (NJ)	Watts (OK)
Quinn	Smith (TX)	Weldon (FL)
Radanovich	Smith (WA)	Weldon (PA)
Rahall	Solomon	Weller
Ramstad	Souder	Whitfield
Rangel	Spence	Wicker
Reed	Spratt	Williams
Regula	Stark	Wilson
Reynolds	Stearns	Wise
Richardson	Stenholm	Wolf
Riggs	Stockman	Woolsey
Rivers	Stokes	Wyden
Roberts	Studds	Wynn
Roemer	Stump	Young (AK)
Rohrabacher	Stupak	Young (FL)
Ros-Lehtinen	Tanner	Zeliff
Rose	Tate	Zimmer

## NAYS—4

Dingell	Schroeder
Jefferson	Yates

## NOT VOTING—16

Bliley	Lewis (KY)	Rogers
Bunning	Lincoln	Talent
Cardin	Moakley	Waxman
Collins (IL)	Murtha	White
Ford	Pelosi	
Graham	Peterson (FL)	

□ 1316

Mr. HILLEARY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, I was inadvertently detained and missed rollcall No. 311, adoption of the Rule for H.R. 961, the Clean Water Act amendments of 1995. Had I been present, I would have voted "aye."

## CLEAN WATER AMENDMENTS OF 1995

The SPEAKER pro tempore (Mr. WICKER). Pursuant to House Resolution 140 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 961.

□ 1316

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act, with Mr. MCGINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 1 hour, and the gentleman from California [Mr. MINETA] will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Louisiana [Mr. HAYES] for purposes of debate only, and I ask unanimous consent that the gentleman from Louisiana control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MINETA. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Louisiana [Mr. HAYES], and I ask unanimous consent that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 961, the Clean Water Act Amendments of 1995.

This debate, Mr. Chairman, is essentially between two groups, between the professional environmentalists, the Washington-knows-best crowd, the EPA, the career bureaucrats, and the K-Street lobbyists on the one hand and the rest of America on the other hand.

It is extremely important to note, Mr. Chairman, that we bring this bill to the floor with strong bipartisan support. This bill passed the subcommittee by an overwhelming 19-to-5 vote with both a majority of Republicans and Democrats voting in favor of it. This bill passed the full committee by an overwhelming vote of 42 to 16, an overwhelming majority of Republicans voting for it and a full half of all the Democrats voting for it.

This bill, contrary to some of the fiction that is being spread about, keeps the goals of the successful clean water program while it fixes the problems that we have uncovered. And indeed, our process has been a very open process all along the way.

We have heard some crocodile tears here today about how quickly this bill has moved. The truth of the matter is, this essentially is the bipartisan bill that we tried to pass last year. Indeed, it is very significant to note that, while we have proceeded with an open process in committee and on the floor

here today, an open rule today, last year this legislation was bottled up by the Democratic majority to the point that we were never even permitted to get a vote on this legislation.

So now we hear complaints about the process not being open enough when, in fact, it was worse than a closed process. It was a slammed-door process last year, and now I am very pleased that we do, indeed, have an open process and, in fact, the bill as reported out of committee was on the Internet 24 hours after it passed committee and has been available for the past several weeks.

Well, what does this bill do? It gives more flexibility to the State and local water quality officials. It is a fundamental shift from current Federal, top-down approach. Those who oppose the approach in this bill are saying that they do not trust the Governors and the State regulators. It provides a more reasonable risk-based regulation, consistent with recent House-passed legislation.

This bill requires EPA to subject its mandates and its regulations to risk assessment and cost-benefit analysis. In a major victory for common sense, this bill gives State and local government the flexibility to manage and control stormwater like other forms of runoff. And this bill provides market-based approaches allowing for trading in certain circumstances to provide the most cost-effective pollution reduction.

And this bill addresses unfunded mandates by providing regulatory flexibility. The bill reduces the cost of unfunded mandates, particularly in the area of stormwater management, where billions, yes, not millions, billions of dollars can be saved as a result of the approach in this bill.

Cities estimated—get this—cities estimated that the unfunded Federal mandates in the Clean Water Act cost the cities \$3.6 billion in 1993. Grand Rapids, MI, a city of 250,000 people, had to spend \$400,000 preparing its stormwater permit. The average cost to larger cities for stormwater permits exceeds \$600,000. Tulsa, OK, had to spend \$1.1 million just on their permit application, without solving the problem at all.

This bill also reforms the wetlands program. It provides for comprehensive reforms to the beleaguered wetlands permitting program. No longer will we have a situation, as in Morristown, NJ, where an airplane, the airport there, the pilot was unable to see the runway. And they were told they could not cut down a tree that was blocking the view because it was in a wetland. Or in Muncie, IN, an 80-year-old farmer, who had farmed his land all his life and his father and grandfather before him, inadvertently broke a water pipe and it flooded the field. They went in and told him he was no longer allowed to farm his farm because it was a wetland.

And there are hundreds and thousands of horror stories of the excessive